

REMARKS

By the foregoing amendment claim 1 has been amended to recite a valve cap made from magnetic material and this phrase has been deleted from claim 7. This amendment is supported by original claim 7 and does not constitute new matter or require a new search.

Claims 1 and 3 have been rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No.4, 275,759 to Huang. Before discussing the differences and deficiencies of this reference, a brief review of amended independent claim 1 is in order.

Amended independent claim 1 specifies a valve comprising a housing having an inlet and spaced therefrom an outlet, a passageway extending between the inlet and outlet, and means located in the passageway for controlling the flow of a fluid between the inlet and the outlet, the means including a valve assembly movable in a direction along a longitudinal axis of a co-operating valve seat between a first open position spaced from the co-operating valve seat and a second closed position at which the valve assembly sealingly engages the valve seat, in which magnetic means is provided for biasing the valve assembly towards the second closed position; wherein at least a portion of the valve assembly is in the form of or incorporates a permanent magnet and a further magnet is located adjacent the valve seat, and said valve assembly is configured to transition between said second closed position and said first open position based on a pressure differential arising from said fluid between said inlet and said outlet, wherein the valve assembly depends from a valve cap made from magnetic material.

There is no teaching or suggestion in Huang of a valve assembly which depends from a valve cap made of magnetic material as claimed in amended claim 1, from which claim 3 depends. Therefore Huang fails to anticipate, or render obvious, amended claim 1 and claim 3.

Claim 4 has been rejected under 35 U.S.C. 103(a) as unpatentable over Huang. As discussed above Huang fails to teach or suggest a valve assembly which depends from a valve cap made of magnetic material as claimed by amended claim 1, from which claim 4 depends. Thus, Huang fails to teach or suggest the claimed invention.

Claim 5 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of U.S. Patent No. 5,515,223 to Grittman et al. Like Huang, Grittman et al alone or in combination, does not teach or suggest a valve assembly which depends from a valve cap made of magnetic material as claimed by amended claim 1, from which claim 5 depends. Accordingly, the combination of Huang and Grittman et al. fails to teach or suggest the claimed invention.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of U.S. Patent No. 4,392,632 to Gast et al. Like Huang, Gast et al alone or in combination, does not teach or suggest a valve assembly which depends from a valve cap made of magnetic material as claimed by amended claim 1, from which claim 6 depends. Accordingly, the combination of Huang and Gast et al. fails to teach or suggest the claimed invention.

Claims 7-11 have been found to contain allowable subject matter.

In view of the foregoing amendments and remarks claims 1 and 3-11, all the pending claims, are in condition for allowance.

Prompt and favorable action is respectfully requested.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment, to Goodwin Procter LLP Deposit Account No. 06-0923.

Respectfully submitted,


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